

Entered - 02/09/01 - sb  
CL 01L0106 - GWENDOLYN BURNS

CLAIM OF: KATHERINE I. LEE  
1184 Briarvista Way, NE  
Atlanta, Georgia 30329

01-R-0795

ADOPTED BY  
JUN 04 2001  
COUNCIL

For vehicular damages alleged to have been sustained as a result of a sanitary sewer construction cut in the roadway that was not properly covered and left in an unsafe condition on January 9, 2001 at North Avenue, NE & Somerset Terrace, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **KATHERINE I. LEE** the sum of **\$700.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a **sanitary sewer construction cut in the roadway that was not properly covered and left in an unsafe condition on January 9, 2001 at North Avenue, NE & Somerset Terrace, NE** as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

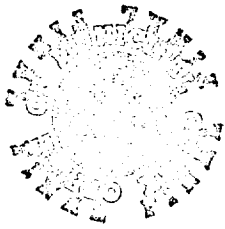
APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

FAVORABLE REPORT  
BY: Rosalind Rubens Newell  
COM. Public Safety ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DATE 5/29/01  
COM. C. F. Miller  
Michael B. [Signature]  
C. Worl  
C. [Signature]

CERTIFIED  
JUN 04 2001  
Ronda Daughlin Johnson  
MUNICIPAL CLERK  
Unanimous

APPROVED  
JUN 13 2001  
WITHOUT SIGNATURE  
BY OPERATION OF LAW



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**01-R-0795**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Katherine I. Lee** in the sum of **\$700.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **sanitary sewer construction cut in the roadway that was not properly covered and left in an unsafe condition on January 9, 2001 at North Avenue, NE & Somerset Terrace, NE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

JUN 04, 2001

JUN 13, 2001

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 01L0106

Date: May 16, 2001

Claimant /Victim KATHERINE I. LEE  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 1184 Briarvista Way, NE, Atlanta, Georgia 30329  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 700.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 1/23/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 1/9/01 Place: North Avenue, NE & Somerset Terrace, NE  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant's vehicle sustained damage when she drove over a sanitary sewer construction site in the roadway that was left open and in an unsafe condition.

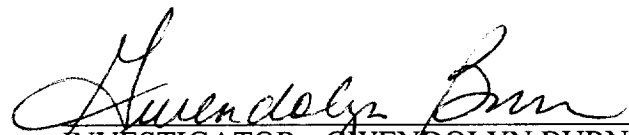
**INVESTIGATION:**

Statements: City employee X Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

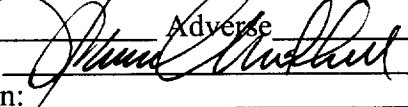
**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ 700.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 6-5-16-21  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: Jan. 19, 2001

JAN 23 2001

Dear Municipal Clerk:

ENTERED - 2-9-01 - SB

01L0106 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 617.69 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: January 9, 2001 2. Time of Incident: 6:00 p.m. 3. Police called: Yes X  
(month/day/ year) No

4. Location of incident (including street address): Intersection of North and Somerset

5. Name of your insurance company: USAA (United Services Auto Assoc.) Policy No. 00284 65 00U

6. State what and how incident occurred: As I was driving home on a route I take daily, I ran into what felt to be a huge hole. There were no barriers or signs to indicate a problem in the road--although I had noticed workers working on the street in that area the day before. I was able to continue driving, unaware that I had damaged something. The next morning I found a bent wheel and a flat tire and that my hubcap was missing. In addition to that damage, my dealer, Dyer and Dyer Volvo, found a damaged roll bar. They said the right front tire was ruined and that I had to replace the two front tires so they would match. I chose to replace the two back tires, so they would also match. I am requesting reimbursement for two tires, a sway bar link, a wheel and associated labor. Items are high.

7. **ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!**

8. **The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).**

Your vehicle: Volvo 850 1996 836 86P Katherine I. Lee  
(Make) (Year) (Tag Number) (Driver's Name)  
(836 SCP)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Unknown  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Katherine I. Lee  
Signature of Claimant

Katherine Inez Lee  
(Print Claimant's Name)

1184 Briarvista Way NE  
(Address)

Atlanta, GA 30329  
(City, State and Zip Code)

404 215-7883 404 325-0562  
(Work Number) (Home Number)

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 01L0106

\$ 700.00

IN CONSIDERATION of the sum of SEVEN HUNDRED DOLLARS AND NO/100s  
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby  
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and  
forever discharge said City, its officers and employees, from any and all claims, demands, actions,  
causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account  
of anything that has heretofore occurred, and particularly for or on account of vehicular incident  
which occurred on or about the 9th day of January, 2001, at or near North  
Avenue, NE & Somerset Terrace, NE

It is further understood and agreed that the payment of the above named sum is not to be  
considered as an admission on the part of the City, its officers, agents, servants or employees, of any  
liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless  
the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or  
costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon  
to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is  
the payment of the sum stated above; that no other promise or agreement of any kind or nature has  
been made to or with me by said City or its agents to cause me to sign this release, and that I fully  
understand the meaning and intent of this instrument.

WITNESS my hand and seal this 15 day of May, 20 01

Katherine I. Lee

Katherine I. Lee

The above release was read and explained to, and signed by the said Katherine I.  
Lee in our presence on the date above written.

Jeanne J. Meadows  
[Signature]

WITNESSES

**01-R-0795**

RCS# 2912  
6/04/01  
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

*Unanimous*

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0653  
01-O-0663  
01-O-0664  
01-O-0835  
01-R-0181  
01-R-0851

CONSENT

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**06/04/01 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED  
ON CONSENT AGENDA**

21. 01-R-0796
  22. 01-R-0797
  23. 01-R-0798
  24. 01-R-0799
  25. 01-R-0800
  26. 01-R-0801
  27. 01-R-0802
  28. 01-R-0803
  29. 01-R-0804
  30. 01-R-0805
  31. 01-R-0806
  32. 01-R-0807
  33. 01-R-0808
  34. 01-R-0891
  35. 01-R-0810
  36. 01-R-0811
  37. 01-R-0812
  38. 01-R-0813
  39. 01-R-0814
  40. 01-R-0815
  41. 01-R-0816
  42. 01-R-0817
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